



Australian Capital Territory

First Home Owner Grant Amendment Act 2013

A2013-34

Contents

	Page
1 Name of Act	2
2 Commencement	2
3 Legislation amended	2
4 Criterion 5—Residence requirements Section 12 (1)	2
5 New section 12B	2
6 Meaning of <i>eligible transaction</i> etc Section 13 (1)	3
7 New section 13 (2) (c)	4
8 Amount of grant Section 18 (b)	4

Contents

	Page
9 Expiry—div 2.5A etc Section 24H	4
10 New part 10	5
11 Dictionary, new definition of <i>new home</i>	7
12 Dictionary, definition of <i>residence requirements</i> , paragraph (a) (i)	7



Australian Capital Territory

First Home Owner Grant Amendment Act 2013

A2013-34

An Act to amend the *First Home Owner Grant Act 2000*

The Legislative Assembly for the Australian Capital Territory enacts as follows:

1 Name of Act

This Act is the *First Home Owner Grant Amendment Act 2013*.

2 Commencement

This Act commences on 1 September 2013.

Note The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

3 Legislation amended

This Act amends the *First Home Owner Grant Act 2000*.

**4 Criterion 5—Residence requirements
Section 12 (1)**

omit

6 months

substitute

1 year

5 New section 12B

in division 2.3, insert

12B Meaning of *new home*—div 2.3

- (1) For this division, a *new home* is a home that has not been previously occupied or sold as a place of residence, and includes a substantially renovated home.

(2) For this section:

substantially renovated home means a home that—

- (a) has substantial renovations; and
- (b) as renovated, has not previously been occupied or sold as a place of residence.

substantial renovations, of a home, means renovations in which all, or a substantial part, of the home is removed or replaced.

Examples—substantial renovations

removal or replacement of foundations, external walls, interior supporting walls, floors, roof or staircases

Note An example is part of the Act, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

6 Meaning of *eligible transaction* etc

Section 13 (1)

substitute

(1) An ***eligible transaction*** is—

- (a) a contract for the purchase of a new home in the ACT made on or after 1 September 2013; or
- (b) a comprehensive home building contract made on or after 1 September 2013 by the owner of land in the ACT, or a person who will on completion of the contract be the owner of land in the ACT, to have a new home built on the land; or
- (c) the building of a new home in the ACT by an owner-builder if the building work begins on or after 1 September 2013.

7 New section 13 (2) (c)

insert

- (c) for a contract made on or after 1 September 2013 that—
- (i) the contract replaces a contract made before 1 September 2013; and
 - (ii) the replaced contract was—
 - (A) a contract for the purchase of the same home; or
 - (B) a comprehensive home building contract to build the same or a substantially similar home.

**8 Amount of grant
Section 18 (b)**

substitute

- (b) \$12 500.

**9 Expiry—div 2.5A etc
Section 24H**

after

This division

insert

, section 13A (1), note

10 New part 10*insert***Part 10 Transitional—First Home Owner Grant Amendment Act 2013****100 Definitions—pt 10**

In this part:

commencement day means the day the *First Home Owner Grant Amendment Act 2013*, section 3 commences.

comprehensive home building contract—see section 13 (7).

contract for the purchase of a home—see section 13 (7).

owner-builder—see section 13 (7).

101 Pre-1 September 2013 transactions

Part 2 (First home owner grant), as in force immediately before the commencement day, continues to apply in relation to the following transactions:

- (a) a contract for the purchase of a home in the ACT made before the commencement day;
- (b) a comprehensive home building contract made before the commencement day by the owner of land in the ACT, or a person who will on completion of the contract be the owner of land in the ACT, to have a home built on the land;
- (c) the building of a home in the ACT by an owner-builder if the building work began before the commencement day.

102 Replacement of pre-1 September 2013 contracts

- (1) This section applies to a contract made on or after 1 September 2013 if the commissioner is satisfied that—
 - (a) the contract replaces a contract made before 1 September 2013 (the *replaced contract*); and
 - (b) the replaced contract was—
 - (i) a contract for the purchase of the same home; or
 - (ii) a comprehensive home building contract to build the same or a substantially similar home.
- (2) The contract is taken—
 - (a) to have been made on the date the replaced contract was made; and
 - (b) to have a commencement date that is the date the replaced contract was made.
- (3) Part 2 (First home owner grant), as in force immediately before the commencement day, is taken to apply to the contract.

Note Under s 13 (2) (c), a contract that replaces a contract made before 1 September 2013 is not an eligible transaction. However, as a result of this transitional provision the contract may still be eligible for the first home owner grant amount that was payable before 1 September 2013.

103 Transitional regulations

- (1) A regulation may prescribe transitional matters necessary or convenient to be prescribed because of the enactment of the *First Home Owner Grant Amendment Act 2013*.
- (2) A regulation may modify this part (including in relation to another territory law) to make provision in relation to anything that, in the Executive's opinion, is not, or is not adequately or appropriately, dealt with in this part.

- (3) A regulation under subsection (2) has effect despite anything elsewhere in this Act or another territory law.

104 Expiry—pt 10

This part expires 2 years after the day it commences.

Note Transitional provisions are kept in the Act for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

11 Dictionary, new definition of *new home*

insert

new home, for division 2.3 (Eligible transactions)—see section 12B (1).

12 Dictionary, definition of *residence requirements*, paragraph (a) (i)

omit

6 months

substitute

1 year

Endnotes

1 Presentation speech

Presentation speech made in the Legislative Assembly on 6 June 2013.

2 Notification

Notified under the [Legislation Act](#) on 26 August 2013.

3 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

I certify that the above is a true copy of the First Home Owner Grant Amendment Bill 2013, which was passed by the Legislative Assembly on 15 August 2013.

Clerk of the Legislative Assembly

© Australian Capital Territory 2013